



EMPLOYMENT TRIBUNALS

Claimant: Ms Ziba Gazerani

Respondent: Paypoint Network Limited

RECONSIDERATION JUDGMENT

1. The Claimant's application dated 11 August 2026 for reconsideration of the judgment sent on 29 July 2026 is refused.

REASONS

2. I have undertaken preliminary consideration of the Claimant's application for reconsideration. The Claimant's application is based on the Claimant arguing that the Claimant was vulnerable, findings of fact are contrary and unsupported by the contemporaneous documentary evidence and witness evidence before the tribunal such that reconsideration is necessary in the interest of justice.
3. The Claimant argues that the Employment Tribunal should reconsider its decision on the grounds that the Claimant could not participate effectively due to the Claimant's vulnerabilities, disagreed with findings of fact, reconsider case management decisions and make a decision on time limits.

The Law

4. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 68 of The Employment Tribunal Procedure Rules 2024 ('ETPR')).
5. Rule 69 ETPR states, "*Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why*

reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—

(a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or

(b) The date that the written reasons were sent, if these were sent separately.”

6. Rule 70(2) ETPR empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.
7. The importance of finality was expressed succinctly by Mrs Justice Simler sitting as President in the EAT decision of **Liddington v 2Gether NHS Foundation Trust EAT/0002/16**. Simler said in paragraph 34 that:

“a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or by adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered.”

8. In common with all powers under the ETPR, preliminary consideration under rule 70(2) must be conducted in accordance with the overriding objective as set out in rule 3, namely, to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.
9. Dealing first with the Claimant’s assertion that she told the Employment Tribunal that she had “dyslexia type processing difficulties and cannot reliably listen, understand, formulate questions and speak, locate documents and take a full note at the same time.” The Claimant did not tell the Employment Tribunal these things except that she had dyslexia and therefore could not take a note of the proceedings. The Employment Tribunal assessment was that the Claimant was able to understand and certainly speak in respect of the proceedings. The Claimant asked for a note taker in the hearing and was told that the Employment Tribunal did not have that facility, notwithstanding that REJ Foxwell wrote to the Claimant on 30 March 2026 in response to the Claimant’s written request for a note taker dated 24 March 2026, and it was explained that the Employment Tribunal cannot support the Claimant with a note taker.
10. Secondly, the Claimant argues that as a result of her vulnerabilities the Claimant was not able to participate effectively. The Employment Tribunal did not agree that this was the case as the Claimant was able to argue her claim, test the evidence of the Respondent with neutral assistance of the Employment Tribunal. The Employment Tribunal took into account the Claimant’s vulnerabilities and made appropriate adjustments as

documented in the Employment Tribunal judgment. The Claimant was given a fair hearing.

11. Thirdly, the Claimant considers that the lateness of the list of issues put the Claimant at a disadvantage. The only issue that the Claimant was not aware of early on was the time issue. In the end, the Employment Tribunal did not need to determine the time issue. The Claimant was therefore not put at a disadvantage.
12. Furthermore, the issue of time limits, having not been determined, is easily disposed of. There was no discrimination found in respect of race and the Claimant was found not to be disabled. In those circumstances, the time issues were irrelevant. No finding of the Employment Tribunal regarding time issues could make any difference to the Employment Tribunal's judgment.
13. Dealing with the issues of the hearing. The Claimant acknowledges that the Employment Tribunal is entitled to manage the resources of the hearing. The Claimant's complaint is in essence that she should have been given more time and that she received less time than the Respondent. The Employment Tribunal had regard to the overriding objective in managing the hearing and expected the parties to assist the Employment Tribunal in complying with this objective as well as the equal treatment bench book. The Claimant was given the same time to make submissions as the Respondent. The Claimant's recollection omits the time that may have been allocated to answer questions from the Employment Tribunal to both parties and the fact that the Claimant stated at the end of her oral submissions that lasted from 15:19- 15:56 (a period of approximately 37 minutes). "Please consider there's a human being here, and I came to you for justice. That's all. My apologies." The Employment Tribunal then asked the Claimant questions about her submissions until 16:21. It is not accepted that the Employment Tribunal did not comply with the overriding objective and that the time that the Claimant was provided with put her at a disadvantage. It did not.
14. For information, the Claimant was sent a letter from the Employment Tribunal on 2 April 2026 explaining that 9 April 2026 was a reading day for the Employment Tribunal.
15. Dealing finally with the Claimant's arguments regarding further case management issues, i.e. the Claimant's supplementary bundle. The Claimant's supplemental bundle did not contain any medical evidence that was relevant to the issue of disability.
16. The Claimant has raised a number of issues that challenge the Employment Tribunal's findings of fact pursuant to how the Employment Tribunal treated evidence or interpreted the law. These are legal issues that are not appropriately dealt with at the reconsideration stage. Legal issues are matters of appeal.
17. Reconsideration is not the opportunity to argue matters not put before the Employment Tribunal, and an opportunity for another bite of the cherry. The Claimant is attempting to relitigate matters that have already been properly

determined before the Employment Tribunal, and having regard to the overriding objective, there must be finality. For these reasons, the Claimant's application is refused.

Approved by:

Employment Judge Young

Date 1 September 2026

JUDGMENT SENT TO THE PARTIES ON

2 September 2026

FOR THE TRIBUNAL OFFICE